

## Message Text

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R 252042Z MAY 77  
FM SECSTATE WASHDC  
TO AMEMBASSY PARIS  
AMEMBASSY JIDDA  
AMEMBASSY NEW DELHI  
AMEMBASSY MOSCOW  
AMEMBASSY OSLO  
AMEMBASSY LONDON  
INFO AMEMBASSY TOKYO  
AMEMBASSY BONN  
USMISSION USUN NEW YORK  
AMEMBASSY KUALA LUMPUR  
AMEMBASSY SINGAPORE  
AMEMBASSY JAKARTA  
AMEMBASSY CANBERRA

C O N F I D E N T I A L STATE 120925

E.O. 11652: GDS

TAGS:PLOS

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SUBJECT:LOS - AMBASSADOR RICHARDSON'S INTERSESSIONAL CON-  
SULTATIONS APRIL 28 - MAY 7

REF: STATE 117024

1. REFTEL REPORTED HIGHLIGHTS OF AMBASSADOR RICHARDSON'S  
INTERSESSIONAL CONSULTATIONS ON SEABEDS ISSUES IN ACTION  
ADDRESSEES' CAPITALS APRIL 28-MAY 7. THIS TELEGRAM DEALS  
WITH OTHER LOS ISSUES DISCUSSED BY RICHARDSON WITH THOSE  
HOST GOVERNMENTS. THIS INFORMATION IS FOR BACKGROUND OF

ALL ADDRESSEES ONLY.

2. PARIS (APRIL 28) - ALTHOUGH THE DISCUSSIONS CENTERED ON SEABEDS, SOME ATTENTION WAS PAID TO COMMITTEE II AND III MATTERS. AMBASSADOR RICHARDSON REVIEWED HIS TRIP TO SOUTH EAST ASIA AND THE PROPOSALS HE HAD PUT TO MALAYSIA, SINGAPORE AND INDONESIA TO MEET THE CONCERNS OF THOSE COUNTRIES ABOUT CONTROL OF POLLUTION IN THE MALACCA STRAITS. THE FRENCH SAID THEY HAD REACTED VERY FAVORABLY TO THE US PROPOSALS. THEY THOUGHT THE 3.5 METER UNDER KEEL CLEARANCE REQUIREMENT NOT TOO BAD, BUT INDICATED THE METHOD OF IMPLEMENTATION OF THE ARRANGEMENTS DID NOT SEEM CLEAR TO

THEM. THEY INDICATED MILD CONCERN ABOUT THE CONCESSIONS THE US HAD MADE TO THE INDONESIANS ON WIDTH OF THE SEALANES THROUGH ARCHIPELAGOS, BUT ACCEPTED OUR EXPLANATION THAT THE CONCESSIONS WOULD NOT HAVE ANY ADVERSE EFFECTS ON NAVIGATION. IN REGARD TO MARINE SCIENTIFIC RESEARCH, THE FRENCH SAID WE MIGHT TRY TO IMPROVE THE RSNT BUT WERE SKEPTICAL OF THE CHANCES OF DOING SO IN VIEW OF THE EXCEEDINGLY FIRM OPPOSITION OF THE LDC'S. THE FRENCH THOUGHT THAT IF WE COULD CARRY THE SOVIETS WE WOULD HAVE A CHANCE, BUT WITHOUT THE SOVIETS WE WOULD HAVE NONE. THEY COULD NOT EXPLAIN WHY THE SOVIETS CHANGED THEIR POSITION ON MSR, AND DOUBTED THE SOVIETS WOULD CHANGE THEIR POSITION AGAIN EVEN IF WE OFFERED THEM A DEAL ON THE ANTI-MONOPOLY CONFIDENTIAL

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QUESTION.

3. SAUDI ARABIA (APRIL 30-MAY 1) - AMBASSADOR RICHARDSON HAD CONVERSATIONS WITH SAUDI LOS EXPERTS AND THE FOREIGN MINISTER PRINCE SAUD. HE POINTED OUT THAT THE LOS CONFERENCE HAS DRASTICALLY ALTERED CUSTOMARY INTERNATIONAL LAW AND THAT THERE IS NO RETURNING TO PRINCIPLES OPERATIVE BEFORE THE 3RD UNCLOS. THERE IS A TREND TOWARD GREATER ASSERTIONS OF NATIONAL JURISDICTION OVER THE OCEANS. GENERAL SUPPORT FOR A 12 MILE TERRITORIAL SEA WOULD MEAN THAT IN THE ABSENCE OF A TREATY, PASSAGE THROUGH MANY STRAITS LESS THAN 24 MILES WIDE COULD BE SEVERELY RESTRICTED. SAUDI ARABIA AS A MAJOR USER OF THE SEAS WOULD THEREBY BE ADVERSELY AFFECTED. COASTAL STATE ASSERTION OF A GREATER MEASURE OF SOVEREIGNTY IN THE ECONOMIC ZONE COULD MAKE IT MORE DIFFICULT FOR MARITIME NATIONS TO OPERATE IN THE ZONE. IT WAS, THEREFORE, IMPORTANT TO ACHIEVE A SOUND TREATY TO CHECK THE TREND TOWARD ASSERTION OF WIDER COASTAL STATE CLAIMS. THE SAUDIS MADE CLEAR THAT THEY SUPPORT TRANSIT PASSAGE THROUGH STRAITS AND HIGH SEAS FREEDOMS IN THE ECONOMIC ZONE, AND THAT IN THIS RESPECT THEIR POSITION CLOSELY PARALLELS OUR OWN. SAUDI ARABIA SUPPORTS TRANSIT PASSAGE THROUGH ARCHIPELAGOS, BUT SAUDI OFFICIALS NOTED THAT IN THE ISLAMIC GROUP THERE IS AND CONTINUES TO

BE PRESSURE FOR ACCEPTANCE OF THE ARCHIPELAGIC CONCEPT. THE SAUDIS EXPRESSED INTEREST IN THE AUSTRALIAN FORMULA FOR DESIGNATION OF THE LEGAL STATUS OF THE ECONOMIC ZONE. WHILE SUPPORTING HIGH SEAS FREEDOMS IN THE ECONOMIC ZONE, THE SAUDIS INDICATED SOME CONCERN THAT COASTAL STATES' RIGHTS OVER ECONOMIC RESOURCES OF THE ZONE SHOULD NOT BE UNDERCUT BY CALLING IT HIGH SEAS. REGARDING MARINE SCIENTIFIC RESEARCH SAUDI ARABIA SUPPORTS A CONSENT REGIME, MAINLY OUT OF FEAR THAT OTHERWISE THE SOVIETS MIGHT BE TEMPTED TO EXPAND THEIR ACTIVITIES IN SAUDI ARABIA'S ECONOMIC ZONE. PRINCE SAUD STRESSED THAT THEY AND THE US

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SEE MOST ISSUES IN THE SAME LIGHT AND THAT THEY WOULD COOPERATE FULLY WITH US AT THE NEXT SESSION.

4. INDIA (MAY 2) - THE UNFAMILIARITY OF THE NEW INDIAN MINISTERS WITH LOS ISSUES INHIBITED A THOROUGH-GOING EXCHANGE WITH THEM ON COMMITTEE II AND III ISSUES AS WELL AS THOSE OF COMMITTEE I. IN NEW DELHI WE ATTEMPTED, MUCH AS WE HAD DONE WITH THE SAUDIS, TO STRESS TO THE NEW MINISTERS THE CONCRETE ADVANTAGES TO INDIA OF A COMPREHENSIVE TREATY, AND THEREFORE, THE VIRTUES OF FOLLOWING A MODERATE LINE ON SEABEDS ISSUES. DISCUSSION ON NON-COMMITTEE I MATTERS CENTERED ON FREEDOM OF NAVIGATION OF STRAITS, THE LEGAL STATUS OF THE ECONOMIC ZONE, ARCHIPELAGOS AND MARINE SCIENTIFIC RESEARCH. THE INDIANS EXPRESSED AGREEMENT WITH THE US ON TRANSIT PASSAGE OF STRAITS. ON ARCHIPELAGOS THEY RESTATED THE PREVIOUS INDIAN POSITION OF WANTING TO APPLY THE REGIME TO THE ANDAMAN AND NICOBARS; THEY ARGUED THAT ONLY THE US AND USSR DISAGREED WITH THEM ON CHARACTERIZING THE LATTER ISLANDS AS ARCHIPELAGOS. THE INDIANS CONTINUE TO BE FIRMLY IN FAVOR OF A TOTAL CONSENT REGIME FOR SCIENTIFIC RESEARCH, BECAUSE OF SECURITY CONSIDERATIONS AND CONCERN ABOUT ADVANTAGES FOREIGNERS MAY GAIN BY ACQUIRING INFORMATION ABOUT INDIA'S RESOURCES.

5. USSR (MAY 3 AND 4) - THE SOVIETS FIELDDED A STRONG TEAM HEADED BY DEPUTY FOREIGN MINISTER KOZYERV. DISCUSSIONS RANGED OVER ALL MAJOR OUTSTANDING ISSUES.

LEGAL STATUS OF THE ECONOMIC ZONE

THE SOVIETS AGREE IT MAY BE POSSIBLE TO FIND A SOLUTION ON THE BASIS OF THE AUSTRALIAN FORMULA, WITH THE RESERVATION THAT WHATEVER LANGUAGE IS ADOPTED SHOULD NOT AFFECT THE SOVEREIGNTY OF THE COASTAL STATE TO RESOURCES OR ITS PREROGATIVES ON CONDUCT OF MARINE SCIENTIFIC RESEARCH. CONFIDENTIAL

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IT WAS AGREED THAT WE WOULD WORK TOGETHER WITH OTHER DELEGATIONS TO GET CONSENSUS ON THE BASIS OF THE AUSTRALIAN FORMULA AND THAT THIS COOPERATION WOULD BE KEPT CONFIDENTIAL. IT WAS ALSO AGREED THAT WE WOULD WORK TOGETHER TO SECURE THE G-5 AMENDMENTS TO ARTICLE 44 AND 46.

#### MARINE SCIENTIFIC RESEARCH

WE EXPLAINED OUR CONCERN AND THE CONCERN OF THE US SCIENTIFIC COMMUNITY ABOUT THE PROVISIONS OF THE RSNT FOR SCIENTIFIC RESEARCH. WE STRESSED THE IMPORTANCE OF MAKING SPECIFIC

CHANGES IN THE RSNT WHICH WE ASKED THE SOVIETS TO CONSIDER. THEY AGREED TO DO SO BUT WITHOUT COMMITMENT. THE SOVIETS EXPLAINED THAT THEY HAD CHANGED THEIR POSITION ON SCIENTIFIC RESEARCH BECAUSE THEY WERE CONVINCED THAT WITHOUT GOING ALONG WITH THE CONSENT REGIME WHICH THE LDC'S WANTED, IT

WOULD BE DIFFICULT TO GET LDC COOPERATION ON OTHER IMPORTANT MATTERS. IT HAD BEEN A TACTICAL MISTAKE, IN THEIR VIEW, FOR THE US AND USSR TO HAVE DEMANDED COMPLETE FREEDOM OF RESEARCH SINCE IT MADE THE LDC'S SUSPICIOUS. THE SOVIETS, THEREFORE, ADVISED THE US TO CHANGE ITS POSITION AS THEY HAD DONE IN ORDER TO FACILITATE SOLUTIONS ON OTHER OUTSTANDING ISSUES. THE SOVIETS COULD NOT POINT TO SPECIFIC CONCESSIONS FROM THE LDC'S IN RESPONSE TO THE SOVIET CHANGE OF POSITION, ALTHOUGH THEY ARGUED IT WOULD BE HELPFUL IN THE ISSUE OF THE LEGAL STATUS OF THE ECONOMIC ZONE.

#### POLLUTION IN THE MALACCA STRAITS

THE SOVIETS WELCOMED THE US PROPOSALS TO MALAYSIA DESIGNED TO MEET THE LATTER'S CONCERNS ABOUT CONTROL OF POLLUTION WITHOUT AMENDMENTS TO THE STRAITS ARTICLES. THE SOVIETS, HOWEVER, TOOK ISSUE WITH OUR WILLINGNESS TO AMEND ARTICLE 42 CONFIDENTIAL

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PART III AND TO MAKE AN INTERPRETIVE STATEMENT. THEY INSISTED THAT WHEN KADIR WAS RECENTLY IN MOSCOW HE HAD MADE CLEAR THAT HE ONLY NEEDED THE SUPPORT OF THE MARITIME NATIONS IN IMCO FOR THE TRAFFIC SEPARATION SCHEME AND UNDER KEEL CLEARANCE REQUIREMENTS WORKED OUT BY MALAYSIA, SINGAPORE AND INDONESIA. HE DID NOT NEED, THE SOVIETS INSISTED, AMENDMENT OF ARTICLE 42 PART III OR THE STATEMENT TO ENABLE HIM TO DROP HIS AMENDMENTS TO THE STRAITS ARTICLES. WE TOLD THE SOVIETS THIS WAS NOT OUR UNDERSTANDING. (SUBSEQUENTLY AMBASSADOR RICHARDSON LEARNED FROM KADIR THAT HE WOULD INDEED INSIST ON AMENDING ARTICLE 42 BUT MIGHT CONSIDER DROPPING HIS INSISTENCE ON A STATEMENT.) IT WAS AGREED THAT THE US AND USSR WOULD WORK IN IMCO TO SUPPORT

THE MALAYSIAN, SINGAPORE, INDONESIAN PROPOSALS.

#### ARCHIPELAGOS

THE SOVIETS INDICATED A WILLINGNESS TO CONSIDER A CORRIDOR THROUGH ARCHIPELAGOS OF LESS THAN 60 NAUTICAL MILES. THEY AGREED WITH THE US THAT ONLY ICAO RULES SHOULD APPLY TO OVERFLIGHT OF CIVIL AIRCRAFT OVER THE SEA LANES. THE SOVIETS REPORTED THAT THE PHILIPPINES HAD INDICATED WILLINGNESS TO SEEK A COMPROMISE ON ARCHIPELAGOS PROVIDED THE MARITIME POWERS WOULD ACCEPT A LIMITED NUMBER OF CORRIDORS (2 OR 3) NORTH AND SOUTH AND EAST AND WEST THROUGH THE PHILIPPINES. THE USSR THOUGHT WE SHOULD ACCEPT THE

PHILIPPINE PROPOSAL IN ORDER TO WIND UP THE ARCHIPELAGO PROBLEM.

#### FISHERIES

THE SOVIETS PROPOSED THAT STATES OF ORIGIN OF ANADROMOUS SPECIES SHOULD HAVE PREFERENTIAL RIGHTS THROUGHOUT THE MIGRATORY STAGE OF SUCH SPECIES EXCEPT WHEN THEY ENTER THE ECONOMIC ZONE OF OTHER NATIONS. THEY ALSO ARGUED THAT CONFIDENTIAL

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HOST STATE REGULATORY AUTHORITY SHOULD EXTEND TO OTHER ECONOMIC ZONES. IF THE US COULD AGREE TO THIS PROPOSAL THEN ARTICLE 55 SHOULD BE CHANGED. THE US SIDE SAID THERE WAS NO FUNDAMENTAL DIFFERENCE BETWEEN US ON THIS MATTER, BUT THERE MIGHT BE CONSIDERABLE DIFFICULTY IN AMENDING ARTICLE 55. WE PROMISED TO TAKE ANOTHER LOOK AT THE MATTER WITH A VIEW TO DISCUSSING IT FURTHER IN NEW YORK.

6. OSLO (MAY 5) - DISCUSSIONS WITH EVENSEN CONCENTRATED EXCLUSIVELY ON COMMITTEE I MATTERS AND CONFERENCE PROCEDURE AND HAVE BEEN REPORTED IN REFTEL.

7. LONDON (MAY 6-7)

#### LEGAL STATUS OF THE ECONOMIC ZONE

THE UK WOULD LIKE TO SEE ARTICLES 44, 46, AND 75 OF PART II AMENDED ON THE LINES OF THE UAE AND AUSTRALIAN FORMULA. THEY SUGGESTED THAT A PAPER THEY HAD PREPARED LAST WINTER WHICH DEALT WITH A MIX OF THE AUSTRALIAN, UAE AND URUGUAY APPROACHES MIGHT BE PUT FORWARD AS A PACKAGE, POSSIBLY BY THE EC 9. WE THOUGHT THIS A GOOD APPROACH BUT URGED THAT COMPROMISE PROPOSALS BE PUT FORWARD LATER RATHER THAN EARLIER. WE SHOULD STAND FIRM AND NOT NEGOTIATE COMPROMISES INITIALLY IN COMMITTEE II DISCUSSIONS BUT BUILD POLITICAL SUPPORT FOR THEM SO THAT WHEN THE CONFERENCE PRESIDENT LATER IN THE SESSION STARTS TO CONSOLIDATE THE TEXT BY

COUPLING ALL REMAINING PROBLEMS, WE WILL BE IN A POSITION  
TO GET MUCH OF WHAT WE WANT.

#### STRAITS

REFERRING TO THE US PROPOSALS TO THE SOUTH EAST ASIAN  
STRAITS STATES, THE BRITISH EXPRESSED CONCERN ABOUT THE  
ENFORCEMENT OF ANTI-POLLUTION REGULATIONS FORMULATED BY  
STRAITS STATES OUTSIDE OF THE STRAITS. THEY FAVORED MAKING  
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PROVISIONS FOR ENFORCEMENT AS VAGUE AS POSSIBLE. WE  
AGREED THAT WE MIGHT TRY THIS BUT WARNED THAT THE MALAYSIANS  
WOULD HAVE TO BE SATISFIED WITH ANY NEW FORMULATIONS

REGARDING ENFORCEMENT SO THAT THEY WOULD NOT PUSH FOR  
THEIR AMENDMENTS TO THE STRAITS ARTICLES.

#### ARCHIPELAGOS

WE REFERRED TO OUR DISCUSSIONS WITH THE INDONESIANS AND  
MORE RECENTLY WITH THE SOVIETS. THE BRITISH STRESSED THE  
IMPORTANCE TO THEM OF FREEDOM OF COMMERCIAL OVERFLIGHT  
OF ARCHIPELAGO SEA LANES. WITH THIS WE AGREED, AND WE  
BOTH THOUGHT IT NECESSARY TO FIND OUT MORE ABOUT WHAT THE  
INDONESIANS AND SOVIETS HAD AGREED ABOUT COMMERCIAL OVER-  
FLIGHTS.

#### MARINE SCIENTIFIC RESEARCH

THE UK INDICATED A WILLINGNESS TO WORK WITH US TO ACHIEVE  
IMPROVEMENTS IN THE RSNT,  
BUT WERE NOT OPTIMISTIC ABOUT OUR CHANCES OF  
SUCCESS.

#### POLLUTION STANDARDS IN THE TERRITORIAL SEA

THE UK RESPONDED TO THE COMPROMISE US PROPOSAL FOR ARTICLE  
20(2) OF PART II WITH A HARD LINE POSITION AGAINST ANY  
COASTAL STATE REGULATIONS EXCEPT REGARDING DISCHARGES.  
UK CONFIRMED IT COULD DROP "OR AFFECT" LANGUAGE IN  
ARTICLE 20 WITH REGARD TO DISCHARGES. VANCE

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## Message Attributes

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